

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERMONT COX,

Petitioner,

v.

JEFFREY BEARD, Commissioner,
Pennsylvania Department of Corrections, et al,

Respondents.

JERMONT COX,

Petitioner,

v.

JEFFREY BEARD, Commissioner,
Pennsylvania Department of Corrections, et al,

Respondents.

CIVIL ACTION

No. 10-2673

THIS IS A CAPITAL CASE.

CIVIL ACTION

No. 00-5289

**PETITIONER’S MOTION TO DEFER THE FILING OF MEMORANDA UNTIL AFTER DISCOVERY IS
COMPLETED**

Petitioner Jermont Cox, through his undersigned counsel, respectfully moves that this Court defer the filing of memoranda by the parties until after discovery has been completed, and states in support:

1. On February 7, 2002, this Court issued Orders granting Petitioner discovery. The Orders provided that discovery should be completed by May 6, 2012.

2. Unfortunately, discovery was not completed by that date, as counsel for the Commonwealth needed to obtain files from storage. On July 3, 2012, counsel for the

Commonwealth provided Petitioner with two envelopes of documents in response to this Court's Orders.

3. Since that time, counsel for the parties have had several conversations in an effort to make arrangements for Petitioner's counsel to review the ballistics evidence and conduct appropriate tests. Due to scheduling issues, final arrangements have not yet been made, though counsel are hopeful that such arrangements will be finalized shortly.

4. On June 27, 2012, this Court issued an Order setting a schedule for the filing of Memoranda by the parties. Petitioner's Memorandum of Law is due to be filed on August 24, 2012.

5. Petitioner believes that it would be in the best interest of this litigation if the filing of Memoranda was deferred until after discovery is complete and Petitioner's expert has had the opportunity to examine and test the ballistics evidence. Such scheduling would avoid the necessity of piecemeal briefing.

6. Petitioner's counsel has contacted Thomas Dolgenos, Esq., counsel for Respondents, who has no objection to this request.

WHEREFORE, Petitioner respectfully requests that the Court defer the schedule for the filing of Memoranda previously set until after discovery is complete.

Respectfully Submitted,

/s/ Stuart Lev

VICTOR J. ABREU, ESQ.

STUART LEV, ESQ.

Assistant Federal Defenders

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Counsel for Petitioner, Jermont Cox

Dated: August 24, 2012
Philadelphia, PA

CERTIFICATE OF SERVICE

I, Stuart Lev, hereby certify that on this date, I served the forgoing upon the following persons by ECF and United States Mail, postage prepaid:

Thomas Dolgenos
Chief, Federal Litigation
Office of the Philadelphia District Attorney
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Philadelphia, Pennsylvania 19107-3499

/s/ Stuart Lev
Stuart Lev

Dated: August 24, 2012